

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ASIAN AMERICANS ADVANCING
JUSTICE-ATLANTA, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as the Georgia
Secretary of State, *et al.*,

Defendants.

Civil Case No.
1:21-CV-01333-JPB

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE
SURREPLY TO STATE DEFENDANTS' MOTION TO
DISMISS THE FIRST AMENDED COMPLAINT**

Plaintiffs hereby move for leave to file the five-page surreply brief attached as an exhibit to this motion. State Defendants do not oppose Plaintiffs' motion.

Leave is appropriate because the instant motion falls within the “unusual circumstances” that courts in this district have recognized warrant a surreply, including “where a movant raises new arguments or facts in a reply brief, or where a party wishes to inform the Court of a new decision or rule implicating the motion under review.” *Stephens v. Tr. For Pub. Land*, 475 F. Supp. 2d 1299, 1303 (N.D. Ga. 2007).

On July 1, 2021—six days after Plaintiffs filed their Opposition to State Defendants' Motion to Dismiss, Doc. 48—the United States Supreme Court issued a decision in *Brnovich v. Democratic National Committee*, 141 S.Ct. 2321 (U.S. 2021). In their reply, filed on July 9, 2021, Doc. 52, State Defendants extensively cited the recent *Brnovich* decision. Because Plaintiffs have not yet had an opportunity to address *Brnovich*'s application to their claims or to State Defendants' motion to dismiss, Plaintiffs should be permitted to respond to the State Defendants' reliance on *Brnovich*. Accordingly, Plaintiffs respectfully request leave to file the attached surreply.

Respectfully submitted this 16th day of July, 2021.

s/Hillary Li

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CERTIFICATION OF COMPLIANCE

I hereby certify that the foregoing pleading has been prepared with Times New Roman font, 14 point, one of the font and point selections approved by the Court in L.R. 5.1C, N.D. Ga.

Dated: July 16, 2021

s/Leo Lam
LEO LAM *Counsel*
for Plaintiffs

CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on July 16, 2021, a true and correct copy of the foregoing PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE SURREPLY TO DEFENDANTS' MOTION TO DISMISS THE FIRST AMENDED COMPLAINT was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send notification of such filing to all attorneys of record.

Dated: July 16, 2021

s/Connie P. Sung
CONNIE P. SUNG
Counsel for Plaintiffs